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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

14 CORA CURRIER,

15 Plaintiff,

16 v.

17 DEPARTMENT OF HOMELAND SECURITY,
DEPARTMENT OF STATE,
DEPARTMENT OF JUSTICE, and
18 DEPARTMENT OF DEFENSE,

19 Defendants.

Case No. 3:17-cv-01799-JSC

DEFENDANTS' ANSWER TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT FOR INJUNCTIVE
RELIEF

20 The United States Department of Homeland Security ("DHS"), Department of State
21 ("DOS"), Department of Justice ("DOJ"), and Department of Defense ("DOD") (collectively,
22 "Defendants") hereby answer the numbered paragraphs of Plaintiff's First Amended Complaint
23 for Injunctive Relief ("Complaint") in the above-captioned action.

24 1. The first and second sentences of this paragraph consist of Plaintiff's
25 characterization of the Complaint, to which no response is required. The third sentence of this
26 paragraph consists of a statement of law or legal conclusion, to which no response is required.

1 2. Defendants lack knowledge or information sufficient to form a belief as to the
2 allegations in this paragraph.

3 3. Defendant DHS admits the allegations in this paragraph.

4 4. Defendant DOS admits the allegations in this paragraph.

5 5. Defendant DOJ admits the allegations in this paragraph.

6 6. Defendant DOD admits the allegations in this paragraph.

7 7. This paragraph asserts legal conclusions regarding jurisdiction, to which no
8 response is required.

9 8. This paragraph asserts legal conclusions regarding venue, to which no response is
10 required.

11 9. This paragraph asserts legal conclusions regarding assignment to the San
12 Francisco division, to which no response is required.

13 10. Defendants admit that the President signed Executive Order 13769, "Protecting
14 the Nation From Foreign Terrorist Entry Into the United States," on January 27, 2017. The
15 remaining allegations in this paragraph consist of Plaintiff's characterization of the Executive
16 Order, which speaks for itself, and the process by which it was promulgated, to which no
17 response is required, and do not set forth a claim for relief or aver facts in support of a claim to
18 which a response is required.

19 11. This paragraph consists of Plaintiff's characterization of Executive Order 13769,
20 which speaks for itself and to which no response is required, and does not set forth a claim for
21 relief or aver facts in support of a claim to which a response is required.

22 12. This paragraph does not set forth a claim for relief or aver facts in support of a
23 claim to which a response is required.

24 13. This paragraph consists of Plaintiff's characterization of various lawsuits and
25 judicial decisions, to which no response is required, and does not set forth a claim for relief or
26 aver facts in support of a claim to which a response is required.

1 14. Defendants admit that the President issued Executive Order 13780, "Protecting
2 the Nation From Foreign Terrorist Entry Into the United States," on March 6, 2017. The
3 remaining allegations in this paragraph consist of Plaintiff's characterization of the Executive
4 Order, which speaks for itself, and do not set forth a claim for relief or aver facts in support of a
5 claim to which a response is required.

6 15. This paragraph consists of Plaintiff's characterization of various lawsuits and
7 judicial decisions, to which no response is required, and does not set forth a claim for relief or
8 aver facts in support of a claim to which a response is required.

9 16. This paragraph consists of Plaintiff's characterization of various lawsuits and
10 judicial decisions, to which no response is required, and does not set forth a claim for relief or
11 aver facts in support of a claim to which a response is required.

12 17. Defendant DHS admits that Plaintiff and Ms. McLaughlin submitted to Defendant
13 DHS a Freedom of Information Act ("FOIA") request dated February 1, 2017. The remainder of
14 this paragraph consists of Plaintiff's characterization of that FOIA request, which speaks for
15 itself.

16 18. Defendant DOS admits that Plaintiff and Ms. McLaughlin submitted to Defendant
17 DOS a FOIA request dated February 1, 2017. The remainder of this paragraph consists of
18 Plaintiff's characterization of that FOIA request, which speaks for itself.

19 19. Defendant DOJ admits that Plaintiff and Ms. McLaughlin submitted to Defendant
20 DOJ multiple FOIA requests dated February 1, 2017. The remainder of this paragraph consists
21 of Plaintiff's characterization of those FOIA requests, which speak for themselves.

22 20. Defendants DHS, DOS, and DOJ admit that Plaintiff and Ms. McLaughlin
23 requested expedited processing of the FOIA requests identified in paragraphs 17 through 19
24 above. Defendants DHS, DOS, and DOJ lack knowledge or information sufficient to form a
25 belief as to why Plaintiff and Ms. McLaughlin requested expedited processing.

26 21. Defendants DHS and DOJ admit that Plaintiff and Ms. McLaughlin requested
27 expedited processing of the FOIA requests identified in paragraphs 17 and 19 above. Defendants
28

1 DHS and DOJ lack knowledge or information sufficient to form a belief as to why Plaintiff and
2 Ms. McLaughlin requested expedited processing.

3 22. Defendant DHS admits the allegations in this paragraph.

4 23. Defendant DOS admits the allegations in this paragraph.

5 24. Defendant DOJ admits the allegations in this paragraph.

6 25. Defendant DOJ admits the allegations in this paragraph.

7 26. Defendant DOJ admits the allegations in this paragraph.

8 27. Admitted.

9 28. Defendant DOJ admits the allegations in the first and second sentences of this
10 paragraph. Defendant DOJ further admits that, upon remand from the Administrative Appeals
11 Staff of the Office of Information Policy (“OIP”), the U.S. Marshals Service has expedited
12 processing of Plaintiff’s FOIA request to that component.¹

13 29. Defendant DHS admits that Plaintiff submitted to Defendant DHS a FOIA request
14 dated April 3, 2017. The remainder of this paragraph consists of Plaintiff’s characterization of
15 that FOIA request, which speaks for itself.

16 30. Defendant DOS admits that Plaintiff submitted to Defendant DOS a FOIA request
17 dated April 3, 2017. The remainder of this paragraph consists of Plaintiff’s characterization of
18 that FOIA request, which speaks for itself.

19 31. Defendant DOJ admits that Plaintiff submitted to Defendant DOJ multiple FOIA
20 requests dated April 3, 2017, which sought records from the Office of the Attorney General, the
21 Office of the Deputy Attorney General, the Office of Legislative Affairs, the Office of Public
22 Affairs, the Office of Legal Counsel, the Executive Office for United States Attorneys, and the
23 Federal Bureau of Investigation. The remainder of this paragraph consists of Plaintiff’s
24 characterization of those FOIA requests, which speak for themselves.

25
26
27 ¹ OIP’s Administrative Appeals Staff is a separate and distinct unit within OIP which handles the
28 adjudication of administrative appeals of initial request responses made by DOJ components.

1 32. Defendant DOD admits that Plaintiff submitted to Defendant DOD a FOIA
2 request dated April 3, 2017. The remainder of this paragraph consists of Plaintiff's
3 characterization of that FOIA request, which speaks for itself.

4 33. Defendants admit that Plaintiff requested expedited processing of the FOIA
5 requests identified in paragraphs 29 through 32 above. Defendants lack knowledge or
6 information sufficient to form a belief as to why Plaintiff requested expedited processing.

7 34. Defendants DHS and DOJ admit that Plaintiff requested expedited processing of
8 the FOIA requests identified in paragraphs 29 and 31 above. Defendants DHS and DOJ lack
9 knowledge or information sufficient to form a belief as to why Plaintiff and Ms. McLaughlin
10 requested expedited processing.

11 35. Defendant DHS admits the allegations in this paragraph.

12 36. Defendant DOS admits the allegations in this paragraph.

13 37. Defendant DOJ admits the allegations in this paragraph.

14 38. Defendant DOJ admits the allegations in this paragraph.

15 39. Defendant DOJ admits the allegations in the first and second sentences of this
16 paragraph. Defendant DOJ further admits that, upon remand from OIP's Administrative Appeals
17 Staff, the Executive Office for United States Attorneys has expedited processing of Plaintiff's
18 FOIA request to that component.

19 40. Defendant DOD admits the allegations in the first and third sentences of this
20 paragraph. Defendant DOD further admits that Plaintiff appealed Defendant DOD's initial
21 denial of Plaintiff's request for expedited processing, but avers that Plaintiff's appeal was dated
22 April 9, 2017.

23 41. Defendant DOJ admits that the Federal Bureau of Investigation approved
24 expedited processing of the FOIA request directed to that component, but avers that it did so
25 pursuant to 28 C.F.R. § 16.5(e)(1)(ii).

1 42. Each Defendant admits that it has not yet completed processing all of the FOIA
2 requests that Plaintiff submitted to such Defendant and that are identified in paragraphs 17
3 through 19 and 29 through 32 above.

4 43. This paragraph consists of statements of law or legal conclusions, to which no
5 response is required.

6 44. This paragraph consists of statements of law or legal conclusions, to which no
7 response is required.

8 45. Denied.

9 46. This paragraph repeats and re-alleges all preceding paragraphs. To the extent a
10 response is deemed required, Defendants refer the Court to their responses to the preceding
11 paragraphs.

12 47. This paragraph sets forth legal conclusions, to which no response is required. To
13 the extent a response is deemed required, Defendants deny the allegations in this paragraph.

14 48. This paragraph sets forth legal conclusions, to which no response is required. To
15 the extent a response is deemed required, Defendants deny the allegations in this paragraph.

16 49. This paragraph sets forth legal conclusions, to which no response is required. To
17 the extent a response is deemed required, Defendants deny the allegations in this paragraph.

18 The remaining paragraph of the Complaint contains Plaintiff's requested relief, to which
19 no response is required.

20 Defendants hereby deny all allegations of the Complaint not otherwise specifically
21 answered above.

1 Date: June 26, 2017

Respectfully Submitted,

2 CHAD A. READLER
Acting Assistant Attorney General

3 BRIAN STRETCH
United States Attorney

4 ELIZABETH J. SHAPIRO
Deputy Branch Director

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